

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JESSIE LEE WASHINGTON,
#901757,

Plaintiff,

v.

BRYANT COLLIER,

Defendant.

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Case No. 6:19-cv-321-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jessie Lee Washington, an inmate confined at the Texas Department of Criminal Justice's Polunsky Unit, proceeding pro se and seeking to proceed *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On October 14, 2019, Judge Love issued a Report and Recommendation (Docket No. 3), recommending that the Court reject Plaintiff's request to proceed *in forma pauperis* and dismiss this case with prejudice for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). Specifically, Judge Love found that Plaintiff Washington has accumulated at least three strikes under the Prison Litigation Reform Act (PLRA), he failed to show imminent danger, and the Fifth Circuit has sanctioned him. The Fifth Circuit has barred Plaintiff Washington from

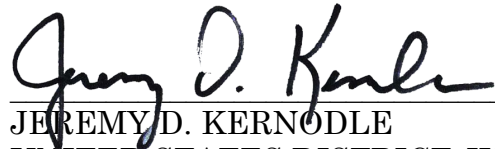
filing any pro se, *in forma pauperis* civil actions there or in any court within its jurisdiction without advance written permission from the forum court. Plaintiff Washington did not seek permission to file this lawsuit. The Clerk of Court mailed a copy of the Report and Recommendation to Plaintiff Washington, which he received on October 23, 2019 (Docket No. 4).

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff Washington has not filed objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 3) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 3) be **ADOPTED** and that the above-styled civil action be **DISMISSED WITH PREJUDICE** for purposes of an *in forma pauperis* proceeding under 28 U.S.C. § 1915(g) and pursuant to the Fifth Circuit's sanctions. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 14th day of November, 2019.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE